

CONFLICT MANAGEMENT. SOME PROSPECTS ON THE LABOR CONFLICTS

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Abstract

Managers wish for harmony within their organizations, that the satisfied employees to work in well balanced teams in order to achieve the institutional goals without taking into account the individual and cultural differences, personal or group interests. Conflicts can be classified according to several criteria. This study aims to present the particularities of conflict resolution within labor relations. Starting from the analysis of the conflict concept viewed from several perspectives, including legal term, this paper aims to reveal the sources of labor disputes through statistical tools, to explain the development of the conflict and to propose solutions to reduce / solve conflicts. From the traditionalist perspective all conflicts are bad, being subsumed to terms of violence, anarchy, destruction, chaos, requiring major reality changes. Conflicts are seen as natural, normal, and cyclical from the human relations point of view. Moreover, inter-actionist perspective suggests encouraging for triggering conflicts because a group that is too long peaceful may become inert, listless and noncreative. This theory proposes to the leaders to maintain a level of conflict within institutions so that to be in the presence of a dynamic group, the manifestation of critical thinking, innovation and improvement of the human relationships' quality.

Key words: *conflict management, conflict's functions, sources of conflicts, conflict's escalation, conflict's reduction/resolution*

JEL classification: *K31*

1. The conflict – notion and classification

1.1. Conflict notion

The conflict is the daily „ingredient” of our life experience. A conflict may easily be provoked, but solving one is far more complex and complicated. In order to identify solutions for reducing and solving conflicts it's necessary to understand the conflict notion, the types of conflicts we may encounter, the causes that lead to conflicts and their functions.

The etymology of the word resides in the Latin “conflictus” which can be translated as “strike together with force”.

The Explicative Dictionary of the Romanian Language defines the conflict as being: a misunderstanding, clash of interests, disagreement, antagonism, fight, dispute, violent discussion.

The Merriam-Webster Dictionary defines the conflict as being a strong disagreement between people, groups, that results in often angry argument; a difference that prevents agreement: (disagreement between ideas, feelings); competitive or opposing action of incompatibles : antagonistic state or action (as of divergent ideas, interests, or persons).

The conflict may be defined as “a strong disagreement or opposite interests or ideas” and involves a “divergent perception of interests or the belief that the parties' aspirations cannot be reached simultaneous”.²

In his book „Comunicarea eficientă” (“Efficient communication”), Ion-Ovidiu Pânișoară³ presents several definitions for the conflict from the perspective of some authors. Thus, for Forsyth⁴: the conflict involves the “disagreements and frictions between the groups' members, interaction in speaking, feelings and emotionality.” Kenneth W. Thomas⁵ (in Richard Steers' book „Introduction to Organizational Behavior”) defines the conflict as being “a process that begins when one party perceives that the other side was frustrating in relation to her”. Within the same

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² Dale Level, William Galle, *Managerial Communication*, Bpi Irwin-Homewood, 1988, p. 14 cited by Ruxandra Constantinescu-Ștefănel, *Negotiation and conflict management*, 2nd edition, ASE Publishing House, Bucharest, 2012, p. 69

³ Ion-Ovidiu Pânișoară, *Comunicare eficientă*, IInd edition, revised and updated, Polirom Publishing House, Iași, 2004, p. 141-142

⁴ Donelson Forsyth, *An introduction to Group Dynamics*, Brooks/Cole Publishing Company, Pacific Grove, 1983, p. 79

⁵ Richard Steers, *Introduction to Organizational Behavior*, Scott Foresman Publishing House, Glenview, 1988, p. 362

paper we find the definition given by Steers: the conflict involves “situations when a person’s (or group’s) expectations and behavior meant to lead to the objectives’ fulfillment are blocked by another person or group”.

By quoting Deutsch, Patricia and Richard Schmuck⁶ consider the conflict as starting “when incompatible activities meet – when an activity is blocked, interferes, harms or make in anyhow the other activity less pleasant or effective.”

The conflict state may arise also between persons or groups that have the same objectives, but they have divergent opinions concerning the means of accomplishing those objectives.⁷

Terry Kwal Gamble and Michael Gamble, define the conflict as a positive variable, meaning that “beyond all perspectives, the conflict is a natural consequence of the diversity.”⁸

Taking into consideration the people’s diversity in terms of opinions, ideas, attitudes, ways of perceiving the situations and events, the group conflict is inevitable and manifests as a natural process that takes place when a person, group, department or organization is engaged in behaviors that stop another person, group, department or organization to fulfill the established objective.⁹

In what concerns the labor relations, the labor conflict is defined within the Romanian Social Dialogue Law¹⁰ as being the conflict between the employees and the employers concerning the economic, professional and social interests or the rights resulted from the labor or work relations’ development.

In accordance with article 231 of the Romanian Labor Code¹¹, by labor conflicts we understand the conflicts between employees and employers concerning the economic, professional or social interests or the rights resulted from the labor or work relations’ development.

1.2. The classification of conflicts

In order to characterize the conflict situations, we may formulate several criteria as a starting point for identifying the conflict typologies, such as: the conflicts nature, the subjects of the conflicts, the parties’ position, the form, the duration and the conflicts effects.

The present study is focused on the elements that define the labor conflicts.

a) The psychology Dictionary¹² distinguishes the following types of conflict: psychic, social, cognitive and perceptible.

The social conflict is defined as being any modified/affected/negative form of the social-human relations as they are accepted or expected to be within the social unit (group or community) and within the culture the social actors are being part of. More precise, the social conflict appears, when two or several interdependent parties (persons, groups, communities) are (or just perceive themselves) different or even incompatible in terms of needs, goals, values, resources or some personality features, difference or incompatibility that produces a state of tension that requires to be discharged¹³.

From the perspective of this classification criterion, the labor conflicts represent social conflicts.

b) From the point of view of **the level in which the subjects manifest their disagreement**¹⁴, we can distinguish the following types of conflicts:

⁶ Richard Schmuck., Patricia Schmuck., *Group Processes in the Classroom*, Wm.C. Brown Publishers, Dubuque, 1992, p. 275

⁷ Viorica Aura Păuș, *Comunicarea și resurse umane*, Polirom Publishing House, Iași, 2006, p. 259

⁸ Terry Kwal Gamble , Michael Gamble, *Communication Works*, McGraw-Hill Publishing House, New York, 1993, p. 140

⁹ John Aiello, *Organizational and personnel psychology*, 1998, cited by Zoltán Bogáthy, *Manual de psihologia muncii și organizațională*, Polirom Publishing House, Iași, 2004, p. 259

¹⁰ Art. 1, letter n) of the Law no. 62/2011, published within the Romanian Official Journal no. 322/10.05.2011, republished within the Romanian Official Journal no. 625/31.08.2012

¹¹ Law no. 53/2003, republished within the Romanian Official Journal no. 345/18.05.2011

¹² Roland Doron, Françoise Parot , *Dicționar de psihologie*, Humanitas Publishing House, Bucharest, 1991, cited by Monica Gheorghe, *Căi amabile de soluționare a conflictelor de muncă*, Universul Juridic Publishing House, Bucharest, 2010, pp. 9-10

¹³ See Ana Stoica-Constantin, *Conflictul interpersonal – prevenire, rezolvare, și dimunarea efectelor*, Polirom Publishing House, Bucharest, 2004, p. 23, cited by Monica Gheorghe, *op.cit.*, p. 10

¹⁴ Ruxandra Constantinescu-Ștefănel, *op.cit.*, p. 69

- ✓ **Intrapersonal or intra-psyhic conflicts** which occurs within an individual. This type of conflicts has great chances of appearance taking into account that the decision within an organization usually involves an insufficient number of alternatives suitable for all the members. The sources of conflict may include ideas, thoughts, emotions, values, predispositions or personal drives that are in opposition with each other;
- ✓ **Interpersonal conflicts** which usually intervene between individuals, managers and employees, spouses, siblings, co-workers;
- ✓ **Intragroup conflicts** occur within small groups, teams, families, classrooms, working groups;
- ✓ **Intergroup conflicts** appear between unions and management, warring nations, feuding families, government authorities, competing organizations. At this level, the conflict is quite intricate because of the large number of people involved;
- ✓ **Organizational conflicts** appear between competing organizations.

Based on this classification, the labor conflicts may be interpersonal conflicts (conflicts between co-workers, between the manager and the subordinates), intragroup conflicts (conflicts between the members of one group) or intergroup conflicts (conflicts between the unions and syndicates).

c) **The position held by the actors involved in the conflict** help us make a distinction between the *symmetrical* and *asymmetrical conflicts*.

In the case of the symmetrical conflicts, the parties are equal, while an asymmetrical conflict implies the existence of a different share of authority between the involved parties.

d) In what concerns the **conflict's form**, we may distinguish between *latent conflicts* and *manifest conflicts*¹⁵ (embodied in labor disputes).

e) In accordance with their **duration**, the conflicts are developing on long or short term.

f) The idea of desiring some positive conflicts leads to the classification in compliance with the effects and results that they might have within an organization. Therefore, we distinguish the *functional* and *dysfunctional conflicts*.

The functional conflict is that sort of conflict that encourages the communication and it benefits to the individuals or group by discussing the problems, which determines the members of the group or organization to be more aware of the internal problems and to seek solutions for solving them. Acknowledging the individual frustrations might lead to seeking some solutions for improving the working climate¹⁶.

The dysfunctional conflict appears within the context of some competitive processes, resulted from different objectives of the individuals that compose the group and divergent ones to others, which cannot become compatible through open communication¹⁷.

g) In what concerns the labor relations, in **legal terms**, the conflicts are individual or collective.

The individual labor conflict¹⁸ is that labor conflict that has as objective exercising certain rights or fulfilling several obligations that arise from the individual labor contracts or collective labor contracts or agreements and the public servants' work relations, and also from law or other regulatory acts. Moreover, the following conflicts are being considered by the law as being individual labor conflicts:

- ✓ conflicts in connection with the payment of compensation to cover damages cause by the failure or improper performances of the obligations set by the individual labor contract or work relation;
- ✓ conflicts related to the ascertainment of the nullity of the individual labor contracts or certain clauses of these contracts ;

¹⁵ Monica Gheorghe, *op.cit.*, p. 10

¹⁶ Viorica Aura Păuș, *op.cit.*, p. 260

¹⁷ *Idem*

¹⁸ Art. 1, letter p) of the Law no. 62/2011, republished

- ✓ conflicts in relation to the ascertainment of the termination of work relations or some of their clauses.

The article 1 letter o) of the Law no. 62/2011 defines the collective labor conflict as the being the labor conflict that intervenes between the employees and the employers with connection to the initiation, development and closure of the negotiation of the collective labor contracts/agreements.

The article 161 of the same law establishes that the collective labor conflicts may arise in the following situations: the employer or the syndicate refuses to start the negotiation of the collective labor contract/agreement, when such a contract/agreement doesn't exist or the previous one expired; the employer or the syndicate doesn't accept the employees' requests; the parties don't reach to an agreement concerning closing a collective labor contract/agreement until the jointly established date for finalizing the negotiations.

2. The conflicts functions

In terms of addressing conflicts, we can speak of the traditional perspective, the perspective of human relations, and inter-actionist perspective.¹⁹

Traditionally, the conflict is being assigned negative connotations. From this perspective, the conflicts protagonists are negatively perceived, the conflict being considered as a result of some communication, organizational and managerial dysfunction.

From the perspective of human relations, however, the conflicts within a group or organization is a normal fact, with which we confront permanently. Conflicts must be understood and addressed, because they are sometimes constructive for the evolution of relations within the group/organization or of human relations.

From the inter-actionist perspective, the conflict is considered even necessary, on the assumption that a group that is too long peaceful, harmonious and cooperative risk of becoming static, listless and unresponsive to change impulses. In this case, the task of the leader is to maintain a minimum level of conflict within the organization, enough to ensure dynamism, creativity and critical analysis.

Starting from this approach we can talk about the dysfunctions and the functions of the conflict.

Most people consider that a conflict represents a dysfunction. First of all, it indicated the fact that something is wrong and that a problem must be fixed and secondly it produces destructive consequences.²⁰

In accordance with Deutsch and others²¹, the elements that contribute to destructive conflicts are: the competitive process, the misperception and bias, the emotionality, the decreased communication, the blurred issues, the rigid commitments, magnifying differences and minimizing similarities, the escalation of conflict.

On another hand, Dean Tjosvold²² believes that there are some productive aspects of the conflict, such as:

- ✓ discussing conflict makes the members of an organization more aware and able to cope with problems;
- ✓ conflict promises organizational changes and adaptation;
- ✓ conflict strengthens relationships and heightens morale;
- ✓ conflict promotes awareness of self and others;
- ✓ conflict enhances professional and personal development.

¹⁹ Viorica Aura Păuș, *op.cit.*, p. 259

²⁰ Ruxandra Constantinescu-Ștefănel, *op.cit.*, p. 70

²¹ Roy Lewicki, David Saunders., Bruce Barry, John Minton., *Essential of Negotiation*, McGraw Hill Publishing House, 2003, pp.15-16, cited by Ruxandra Constantinescu-Ștefănel, *op.cit.*, p. 70-71

²² Roy Lewicki, David Saunders., Bruce Barry, John Minton, *op.cit.*, p.1, cited by Constantinescu-Ștefănel Ruxandra, *op.cit.*, p. 70-71

Any conflict contains a constructive potential, whose exploitation depends on the availability and skills of the involved parties in cooperating by making the best of the positive aspects.²³

3. The causes of conflicts. Some particularities on the labor conflicts

The conflicts' causes are various, such us: miscommunication, different value systems, distinctive objectives/interests, managerial styles, limited resources, mutual dependence between departments, differences in social status between the members of the group.²⁴

3.1. Analyzing the above mentioned definitions, we can underline several *characteristics of the labor conflicts*:

- ✓ Labor conflicts are social conflicts, whether we are talking about conflicts between employees, between an employee and the employer (within an individual labor conflict) or between employees (trade unions) and employers (syndicates) (within a collective labor conflict).
- ✓ Labor conflicts can be interpersonal (between the employees, the employee and the employer), intragroup (within a group) or intergroup (between the employees, represented by the unions and employer, represented by the syndicate - in the context of a collective labor conflict).
- ✓ Labor conflicts may be either symmetrical or asymmetrical. In case of a conflict between two employees, the two parties are equal. Moreover, article 39 letter d) of the Romanian Labor Code foresees the employee's right to equality of chances and treatment.

Also, in what concerns the relation between the employee and the employer, we should assume equality between the parties. For instance, article 131 paragraph 1 of the Romanian Social Dialogue Law stipulate that the negotiation of clauses and closing the collective labor contracts implies that the parties are equal and free. Nevertheless, the relation between the employee and the employer supposes a certain subordination of the first party in relation to the second one. Within this context, we can notice at a first analysis the asymmetrical nature in case of a collective labor conflict. Obviously, there are legal provisions meant to protect the employee against abuses.

The relation between the employee and the employer involves a juridical and economical subordination defined by the fact that the employee is working under the authority of the employer, which has the power to give orders and directives to the employee, to control the fulfillment of the work tasks and to sanction the misconducts, but also to ensure the employee's means of existence (by the successive payment of the salary) in exchange for the performed work²⁵.

- ✓ Labor conflicts may be latent or manifest (when the labor conflict is triggered). From the traditional perspective, the labor conflicts can affect the smooth running of the organization, with impact over the institutional objectives even if they are dormant. In case we are in the presence of some manifest labor conflicts, both the employee and the employer can find solution to reduce or to extinguish the conflicts, whether they call for direct negotiation in terms of mutual agreement, or they apply the legal provisions set up for the issue that generated the conflict.
- ✓ Labor conflicts can be on long or short term. The conflicts are inevitable, no matter if they are latent or manifest. In order not to affect the performance of the unit or of the employee, it would be ideal to find means of solving the labor conflicts as soon as possible, so that the conflicts don't escalate.

²³ Zoltán Bogáthy, *op.cit.*, p. 259

²⁴ Ruxandra Constantinescu-Ștefănel, *op.cit.*, pp. 69-70

²⁵ Alexandru Țiclea, *Tratat de dreptul muncii – Legislație. Doctrină. Jurisprudență*, VIth edition, revised and updated, Universul Juridic Publishing House, Bucharest, 2012, p.333

- ✓ Labor conflicts can either be functional or dysfunctional. Understood as a diversity result and a need to adapt to the reality's requirements, the conflicts must be solved and they can actually be constructive for the relations evolution within the group/organization or for the human relations in order to ensure the dynamism, creativity and the critical thinking. By contrary, a faulty labor conflict management can have a negative impact both on the employees and on the organizational objectives.

3.2. *General causes for the labor conflicts*

Interpersonal conflicts can occur both between the employees and between the employees and management. The interpersonal conflicts can be of professional or personal nature.

The most important cause for the appearance of *conflicts between the employees* is the competition. The conflict arise when the involved parties dispute the access to resources significant for everybody, but limited or when a party's interests in accomplishing the objectives are in disagreement with the other party's interests. The group's members are in competition, which can be translated as the satisfaction or achieving the goals of one would mean failure for the other one. Intensifying the competition process drags the involved parties in a conflict spiral, point when the animosities and the hostility will be out of control.²⁶

Another conflict cause is the development of conflict climate generated by different values, interests, cultures or backgrounds that lead to the appearance of groups, isolation and solitude of the individuals, the development of low esteem feeling, resentments and negative atmosphere.

Lack of communication or miscommunication creates, maintains and leads to the escalation of conflicts because of misunderstandings or misinterpretation of feelings or actions of others. Offering insufficient or incomplete information, using inadequate channels/means of communication, using unsuitable language can lead to conflicts²⁷

The lack of ability to solve incipient conflicts and the development of violent relations encourage the misunderstandings.

Another important factor in triggering the conflicts is the managerial style. Some managers may be the cause for interpersonal conflicts, with the purpose of strengthening their own authority (*divide et impera*). Lack of coherence in management or organization, lack of respect for the hierarchy or lack of democracy, too much delegating, lack of coherence in assessing performance and in motivating can lead to conflict.²⁸

3.3. From the labor law regulations' point of view, the *causes that lead to the individual labor conflicts* are the following:

- ✓ denial of some right or failure to fulfill obligations that arise from the individual labor contracts or collective labor contracts or agreements and the public servants' work relations, and also from law or other regulatory acts;
- ✓ damages caused by the parties by failure or improper performance of the obligations set by the individual labor contract or work relation;
- ✓ the nullity of the individual labor contacts or certain clauses of these contracts;
- ✓ in relation to the termination of work relations or some of their clauses.

3.4. In what concerns the *collective labor conflicts*, the causes that lead to triggering such conflicts are the following:

- ✓ the lack of agreement between the social partners in relation to the beginning, development and closure of the negotiation concerning the collective labor contracts of agreements;
- ✓ the employer's or syndicate's refusal to start the negotiation of a collective labor contract or agreement, when such a contract or agreement doesn't exist or the previous one is obsolete;
- ✓ the employer's or syndicate's refusal to accept the employees' claims;

²⁶ Zoltán Bogáthy, *op.cit.*, pp. 260-261

²⁷ Ruxandra Constantinescu-Ștefănel, *op.cit.*, p. 69

²⁸ *Ibidem*, p. 70

- ✓ the lack of agreement concerning the closure of a collective labor contract or agreement until the date mutually agreed by the parties in order to finalize de negotiations.

From the analysis of the statistical instruments provided by the National Institute for Statistics and the Ministry of Work, Family, Social Protection and Elderly Persons, the source of claims and thereby the *causes for the conflict of interests* aim the following aspects:

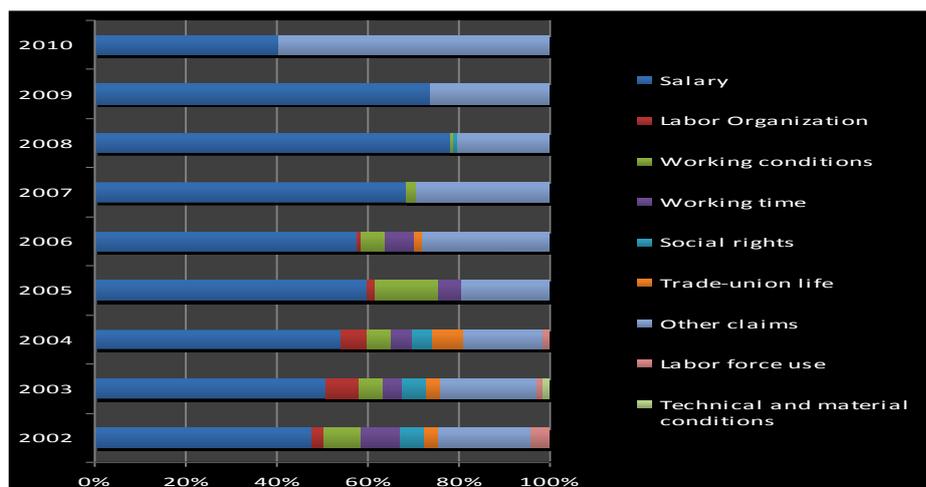
- ✓ salary reasons (non-payment of compensations, of indexations, of wages in time, of holidays bonuses);
- ✓ labor organization (revision of labor norms, organization of working time, schedule, lack of position file);
- ✓ working conditions (lack of normal labor and social conditions, promotion in higher wage classes);
- ✓ working time (lack of days-off, additional hours and leaves, shifts);
- ✓ social rights (lack of some social security measures at economic units level, own systems of social insurance, dwellings, treatment tickets, funds for social actions);
- ✓ trade-union life (conditions for union activity, employers involvement in the union activity, measures of leaders sanction, lack of transparency, presence of leaders at negotiations);
- ✓ labor force use (lack of employment loading, redistribution of staff, redundancies and sending in unemployment, retirement of those entitled, job stability);
- ✓ technical and material conditions (lack of orders and contracts, lack of material base, inadequate technical situation of outfits, supplies);
- ✓ other claims (changes in organizational structures, negotiation of collective contracts).

The Romanian Social Dialogue Law imposes also several limitations in what concerns the initiation of collective labor conflicts. In compliance with article 164 of the Law no. 62/2011, during the enforcement of a collective labor contract or agreement, the employees cannot trigger a collective labor conflict.

As a particularity for the public sector, through the collective labor contracts there cannot be negotiated clauses related to financial rights, other than the ones foreseen by the legislation for each personnel category.²⁹ Therefore, within the public sector, the collective labor conflicts cannot have as source salary claims, others than the ones established by the law.

3.4.1. Statistical data concerning the source for the conflicts of interests

Chart concerning the claims that triggered the conflicts of interests within the period 2002-2010 *



*Source: National Institute for Statistics and Ministry of Work, Family, Social Protection and Elderly Persons

Taking into account the period subjected to the analysis, it's worth mentioning that the provisions applicable to the labor conflicts were comprised by the Law no. 168/1999³⁰ concerning

²⁹ Art. 138 paragraph 1 of the Law no. 62/2011, republished

³⁰ Published within the Romanian Official Journal no. 582/29.11.1999

the labor conflicts settlement. Thus, in accordance with article 4 of the Law no. 168/1999, the labor conflicts that had as objective the establishment of the working conditions on the occasion of the collective labor contracts' negotiation were conflicts related to the professional, social and economic interests of the employees and they were named conflicts of interests.

The Law no. 168/1999 represented, within the period of time between its approval to coming into force of the Law no. 53/2003-the Labor Code³¹, the only regulation applicable to the domain of labor conflicts' resolution, in compliance with the civil procedure provisions.³²

Currently, the collective labor conflicts are being exhaustively regulated by the Labor Code, within Title IX, art. 231-232 and in extenso by the Law no. 62/2011 (art. 156-180).

In what concern the renouncement to the distinction operated between the conflict of interest and the conflicts of rights regulated before the approval of the Law no. 40/2011³³, for the amendment of the Labor Code and of the Romanian Social Dialogue Law no. 62/2011, within the doctrine there were expressed opinions in accordance with which this represents a fundamental wrong option chosen by the legislator. Only formally there are no longer conflicts of interest; in fact from the analysis of the labor conflicts' definition it's clear that these are precisely conflicts of interests.³⁴

3.4.2. Statistical data related to strike – extreme manifestation of the conflicts of interests/collective labor conflicts

The most extreme manifestation of the collective labor conflicts is the strike. With regard to the right of strike, within the doctrine there are opinions supporting the idea that by adding supplementary requirements for declaring strike, the Law no. 62/2011 rendered more difficult the employees' access to exercising the right to strike.³⁵

The absence of strikes within the years 2010 and 2011, on a hand could indicate a result of the efficiency of the amiable resolution procedure for the conflicts of interest/collective labor conflicts and on another hand it could suggest a tendency of obtaining the social peace by imposing certain supplementary conditions for participating to strike (supplementary conditions inserted by the Law no. 62/2011).

Even if the Romanian Social Dialogue Law is pretty recent, presently there are taking place activities envisaging setting up the amendment of this law. On 12th of October 2012, in response to the Project of Emergency Ordinance for modifying the Romanian Social Dialogue Law no. 62/2011, issued by the national representative trade union confederations and by four syndicate confederations, the European Commission and the International Momentary Found expressed their concern towards the weakening of the procedures foreseen in the present legislation, destined to avoid the strikes' proliferation care.³⁶

³¹ Published within the Romanian Official Journal no. 72/05.02.2003

³² Monica Gheorghe, *op.cit.*, pp. 70-71

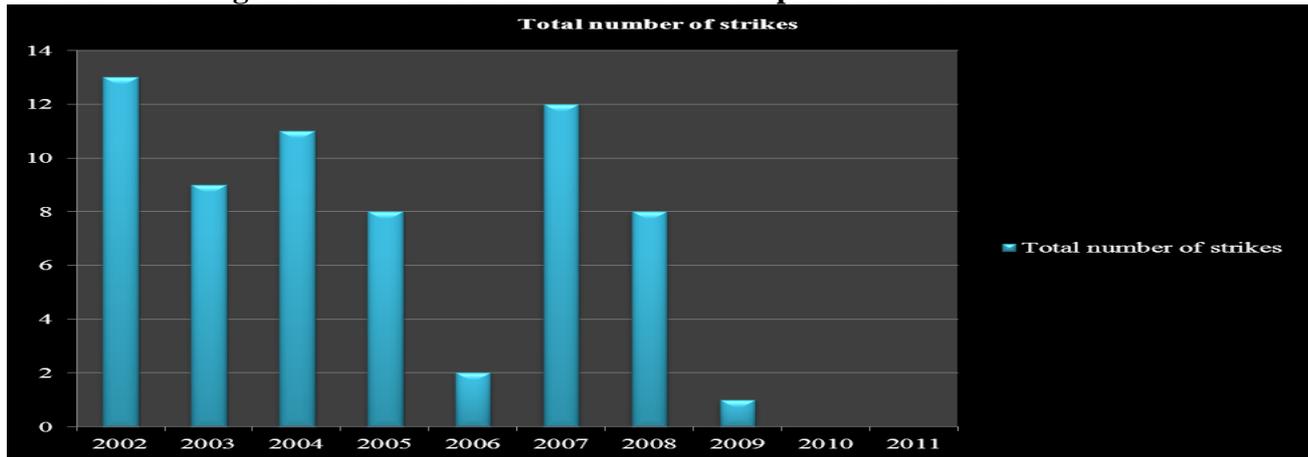
³³ Law no. 40/2011 for the amendment of the Law no. 53/2003 – the Labor Code, published within the Romanian Official Journal, Part I, no. 225/31.03.2011

³⁴ Alexandru Țiclea, *op.cit.*, p. 261; Alexandru Athanasu, *Aspecte teoretice și practice privind jurisdicția muncii în lumina Legii nr. 40/2011 și a Legii nr. 62/2011*, within Alexandru Athanasu (coordinator), *Modificările Codului muncii și ale Legii dialogului social*, Universul Juridic Publishing House, Bucharest, 2011, pp. 187-188

³⁵ Ion Traian Ștefănescu, *op.cit.*, p. 859

³⁶ <http://www.ces.ro/proiect-ordonanta-urgenta-pentru-modificarea-legii-62-2011/ro/84>

Chart concerning the total number of strikes within the period of 2002-2011*



* Source: National Institute for Statistics and Ministry of Work, Family, Social Protection and Elderly Persons

4. The development of the conflict

4.1. Models of conflict development

One of the models of conflict development is being presented by Kenneth Thomas³⁷, which considers that the conflict models describe either the process or the structure of a conflict situation. From the process point of view, the conflict comprises four phases that we are going to develop as it follows.

The first phase is the **frustration** which, at its turn, may have several forms of manifestation: negativism, fixation, conversion, replacement, rationalization, compensation, fantasizing, projection.³⁸

The fixation involves persevering over one and the same reaction, even if the individual realizes that what he is doing it's not good because he will consider that eventually he will not manage to get out of a vicious circle. The manifestation of a resistance (active or passive) it's called negativism and the projection takes place by defending the individual of him by blaming others. Justifying an unwanted behavior, an undesirable belief or motivation and the consumed energy subsumes to the concept of rationalization.

The frustration may manifest through conversion, aggressive or closed non-verbal language even if the individual doesn't express verbally, or by replacement - redirecting the manifestations, emotions towards other persons than the ones guilty for starting the conflict.

The frustration amplifies through fantasizing, meaning by imagining some reactions of the person involved in the conflict, reactions that actually will never take place.

The second chronological phase of the conflict is the **conceptualization**, when the conflict parties try to define the problem, seek means of settlement, to understand the opponent party and that might lead to competition, collaboration, compromise, avoidance and accommodation.

The behavior is the third phase within the conflict process and it represents the exteriorization of it.

The last phase proposed by Thomas is represented by the **outputs** and it's materialized in a solution accepted by both parties or by returning to the phase of conceptualization.

Another model concerning the process of conflict development is proposed by Forsyth³⁹, a model that involves the following stages: disagreement, confrontation, escalation and settlement.

³⁷ Cited by Ion-Ovidiu Pânișoară, *op.cit.*, p. 149

³⁸ Fred Luthans, *Organizational Behavior*, McGraw Book Company, 1985, New York, pp. 387-390, cited by Ion-Ovidiu Pânișoară, *op.cit.*, pp. 149-150

³⁹ Ion-Ovidiu Pânișoară, *op.cit.*, pp.153-156

Disagreement appears because of a misunderstanding or false problem, real or important disagreements for the group, but easily fixable if the group makes minor changes.

The confrontation assumes several stages: the obligations intensification, the tension augmentation, forming alliances, establishing partisanship positions, reactions intensification.

The highest phase, the most violent is the **escalation** which can transform in cascade a minor conflict (very small) into a major one by the means of several mechanisms:

- ✓ stereotypes: categorizing individuals, components, ideas in certain predetermined patterns;
- ✓ halo effect: the negative assessment of an individual after a first impression;
- ✓ polarization effect: the tendency of classifying as good and bad, to see only a feature of one person and not the bad parts, but also the good ones;
- ✓ the defensive: automatic action of rejecting everything that's bad, negative, pejorative about ourselves;
- ✓ the selective perception: the modality of analyzing one person's actions in accordance with the already formed perception about that person.

The last phase described by this model is the **conflict resolution** by: redrawn, settling, compulsion, compromise, confrontation, mediation or negotiation.

The settling is characteristic for the situation when all parties' satisfaction is wanted, by over evaluating the interpersonal relationships and neglecting the technical aspects.

The redrawn supposes postponement and not assuming the responsibilities and it's characteristic to the low self-esteem persons, that wish to get it over with the conflict, without realizing that this one is not disappearing by itself and but will smolder until a later date.

The compromise is a superficial settlement solution for everybody and it mandatory implies that one of the party to give up his/her principles and convictions and therefore obtaining minimum satisfaction.

The compulsion is used when the results are wanted no matter what the consequences, without carrying about the feelings, needs and expectations of the participants. In this case, usually, the compulsion is reached by abusive use of authority sources.

The confrontation is the solution for definitively solving the conflict and it takes into account both the involved parties relationships and the outcomes.

If a conflict was solved, the involved parties may head off towards cooperation; by contrary, the conflict intensifies by engaging parties or problems that weren't initially involved.

In the field of labor relations, the negotiation, conciliation, mediation and arbitration are amiable means of resolution for the labor conflicts.

4.2. *Strategies for solving conflicts*

Solving conflicts supposes identifying the sources of the conflict in order to obtain an outcome that satisfies both parties.

In the presence of some conflicts, in accordance with the characteristics of the factors that lead to triggering the conflict, the goals and parties involved, several strategies may be approached.

a. Some authors believe⁴⁰ that there are three types of strategies in conflict management, such as: avoidance, adjournment and confrontation (facing the conflict).

Avoiding means acting as if there was no conflict (retreating, denying). This does not mean that the conflict will disappear. The conflict will occur again, maybe under another form, maybe stronger.

Adjourning can be a good strategy to temper a minor conflict, but will not solve the main problems.

Facing the conflict means adopting one of the following strategies: win-lose (the winner will apply intimidation, manipulation, hiding behind rules and regulations, while the loser will feel frustrated and will seek for the right moment to get revenge), lose-lose (means compromise and may become a custom for the parties not to solve their disputes and each of them will get less than

⁴⁰ Ruxandra Constantinescu-Ștefănel, *op.cit.*, pp.72-73

what they could have got by working together) or win-win (seems to be the best way of settling a conflict; it may not always be successful, but at least the parties will get to know and understand better each other's objectives, which can eventually result into an agreement).

b. In another opinion, it's being considered that sometimes there are necessary some strategies for provoking/stimulating, preventing, reducing and solving the conflict.⁴¹

As already underlined, the conflict can also have positive effects and it can lead to progress, improvement of the personal and professional relations. By provoking certain conflicts, the managers have the opportunity to face their team with several conflicts which they can control and therefore to develop working strategies in case of unproductive conflicts arisen within the organization.⁴²

The strategies for provoking/stimulating a conflict must be always in close connection with the conflict settlement techniques.

Steers⁴³ suggests the necessity of the existence in practice of some strategies for the conflict prevention (when this is possible) combined with strategies for reducing the conflict (when the conflict couldn't be prevented).

The strategies for conflict prevention can imply: focusing on objectives, providing stabile, well-structured and accepted tasks, facilitating communication, avoiding the situation win-lose.⁴⁴

The strategies for conflict reduction appear as helpful when a conflict escalated, tending to have a rather negative impact than positive. The strategies for reducing a conflict can assume: involving a person that can influence both parties, identifying some higher objectives that will oblige the parties to work together.⁴⁵

The conflict settlement strategies presume that the involved parties to freely reach to an agreement, after they have evaluated the relevant elements of their relation.⁴⁶

c. In order to settle conflicts – through decisions or negotiation - it's important to correctly identify the type of conflict and to assess the means and the difficulties in solving the conflict. The first identification element is the type of objective that led to conflict. The conflict can be solved easier if its nature and problems can be divided into categories and sub-categories that can be separately solved.

Another diagnose factor is the importance of the conflict's stake for each party and the consequences of a possible win or lose. It's important to assess the interdependence degree and the way the conflict settlement will affect each of them. Another element that has to be evaluated is the type of relations between the parties. If the parties are involved in a long term relation that needs to maintain its stability, the parties will be more cooperative in solving the conflict.

The conflict settlement also depends on the type of management and the leader's behavior. Within a more relaxed system, with no rules, the conflict is more difficult to handle than within a unit with a well-structured management, with clear view on the institutional objectives.

When the conflict seems without a solution for the two parties, it's recommended to use a mediator that inspires trust and is accepted by both parties with no reserves. If the conflict is complex, the solution is to treat it and negotiate sequentially each aspect of the conflict in order to obtain a victory through small steps.⁴⁷

5. Conclusions

The work conflicts, both of personal or professional nature, influence the well-functioning of an institution and can have an impact over the employees' and unit's performance.

⁴¹ Ion-Ovidiu Pânișoară, *op.cit.*, pp. 163-167

⁴² *Ibidem*, p. 139

⁴³ Richard Steers., *op.cit.*, p. 370, cited by Ion-Ovidiu Pânișoară, *op.cit.*, p.163

⁴⁴ Ion-Ovidiu Pânișoară, *op.cit.*, p.163

⁴⁵ *Ibidem*, p. 170

⁴⁶ *Idem*

⁴⁷ Viorica Aura Păuș, *op.cit.*, pp. 265-266

The labor conflicts can be efficiently handled through communication and negotiation, by means of a structured and coherent conflict management. A successful conflict management involves identifying the conflict sources, choosing the best strategy for provoking/stimulating, preventing, reducing/solving the conflict in compliance with the characteristics of each conflict.

From the perspective of the labor law regulations, the means of resolution for the collective labor conflicts as set up by the legislator are the negotiation, the conciliation, the mediation and the arbitration.

In what concerns the individual labor conflicts, the court has the competency to solve them.⁴⁸ Nevertheless, nothing stops the parties to find an amiable alternative to solve the conflict.

Within the book „Stresul și suferința la locul de muncă” (“The stress and suffering at work”)⁴⁹, the judge Béatrice Brenneur pleads for solving the individual labor conflicts through mediation.

Béatrice Brenneur sustains that the request for summons is mixed as in filigree with a complaint with psychological and human implications, which in order to be presentable in front of the judges, takes a juridical form. Judging the litigation doesn't allow the approach of the human conflict that triggered the juridical dispute.

Moreover, the French judge adds that the scientifically discoveries of the last decades bring us a new vision over life: the one of complexity in movement. If everything else is in motion and the conflict is permanently changing, then the judiciary decision cannot always bring a satisfactory answer. The static aspect of the court decision is alienated from the human conflict's evolution.

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⁴⁸ Art. 208 of the Law no. 62/2011, republished

⁴⁹ Béatrice Brenneur, *Stresul și suferința la locul de muncă*, C.H. Beck Publishing House, Bucharest, 2012, p. XVIII

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